



Zoning Case No. C814-89-006.03

RESTRICTIVE COVENANT

OWNER: FM 2222/Jester, L.P., a Texas limited partnership

ADDRESS: 11200 FM 2222, Austin, Texas 78730

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lots 2, 3, and 4, Block A, Canyon Ridge Phase B Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Plat Book 93, Page 5, of the Plat Records of Travis County, Texas.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
2. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
3. All required shade trees shall be a minimum 4-inch caliper.
4. A 12-foot wide sidewalk with six-inch caliper trees planted every 30 feet on center and lighting provided at intervals of 50 feet are required along the main internal east/west drive.

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5. The owner shall provide a rainwater collection and irrigation system from rooftop areas of at least one building for irrigation of managed landscaped areas. The rainwater collection system shall provide an overall volume of a minimum of 9,000 gallons of storage. The rainwater collection system shall be maintained at least once a year to remove organic debris and to ensure that the system is functioning as designed.
6. A minimum of 40 percent of the material for internal sidewalk construction shall be pervious pavers or similar material as approved by the Watershed Protection and Development Review Department or its successors.
7. The wall of a water quality pond shall be constructed using design elements or features such as stone veneer, colored concrete, and raised flowerbeds to reduce the visual impact of the height of the wall as viewed from FM 2222.
8. Screening shall exceed by 50 percent the screening requirements for the Hill Country Roadway corridor as set forth in the City Code.
9. Unless exempted below, the site shall be divided into blocks no longer than 660 feet by 660 feet from curb to curb. The maximum block length applies both to blocks containing buildings and blocks containing surface parking. This standard shall not require the block front adjacent to a Hill Country Roadway to be divided in a manner inconsistent with state highway access spacing requirements.
10. An individual knowledgeable in erosion controls and tree protection to conduct daily inspections of the site during site development shall be required on site (the "Environmental Reviewer"). The Environmental Reviewer shall be chosen by the Owner in its sole discretion. This person will be responsible for maintaining a daily log to be kept on site and accessible to the City environmental inspector.
11. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
12. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
13. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

14. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 27 day of July, 2006.

**OWNERS:**

**Fm 2222/Jester, L.P.,  
a Texas limited partnership**

By: Pecan Center, Inc.,  
a Texas corporation,  
its general partner

By: *Louis R. Williams*  
Louis R. Williams  
Title: *President*

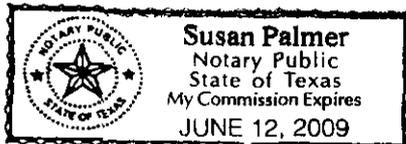
**APPROVED AS TO FORM:**

*[Signature]*  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the 27<sup>th</sup> day of July, 2006 by Louis R. Williams, President of Pecan Center, Inc., a Texas corporation, general partner of FM 2222/Jester, L.P., a Texas limited partnership, on behalf of the corporation and the limited partnership.



*Susan Palmer*  
Notary Public, State of Texas

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Paralegal**

# EXHIBIT A

## Grow Green Native and Adapted Landscape Plants

### Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucooides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> ( <i>Quercus buckleyi</i> )
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

### Small Trees/Large Shrubs

Anacacho Orchit Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Caolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis</i> 'mexicana'
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. 'texensis'
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

## Shrubs

Abelia, Glossy *Abelia grandiflora*  
Agarita *Berberis trifoliata*  
Agave (Century Plant) *Agave sp.*  
American Beautyberry *Callicarpa americana*  
Artemisia *Artemisia 'Powis Castle'*  
Barbados Cherry *Malpighia glabra*  
Barberry, Japanese *Berberis thunbergii 'Atropurpurea'*  
Basket Grass (Sacahuista) *Nolina texana*  
Black Dalea *Dalea frutescens*  
Bush Germander *Teucrium fruticans*  
Butterfly Bush *Buddleja davidii*  
Butterfly Bush, Woolly *Buddleja marrubifolia*  
Coralberry *Symphoricarpos orbiculatus*  
Cotoneaster *Cotoneaster sp.*  
Eleagnus *Eleagnus pungens*  
Esperanza/Yellow Bells *Tecoma stans*  
Flame Acanthus *Anisacanthus quadrifidus var. wrightii*  
Fragrant Mimosa *Mimosa borealis*  
Holly, Burford *Ilex cornuta 'Burfordii'*  
Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*  
Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*  
Jasmine, Primrose *Jasminum mesnyi*  
Kidneywood *Eysenhardtia texana*  
Lantana, Native *Lantana horrida*  
Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*  
Mistflower, White (Shrubby White Boneset) *Ageratina havanense*  
Mock Orange *Philadelphus coronarius*  
Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*  
Oleander *Nerium oleander*  
Palmetto *Sabal minor*  
Prickly Pear *Opuntia engelmannii var. lindheimeri*  
Rose, Belinda's Dream *Rosa 'Belinda's Dream'*  
Rose, Lamarne *Rosa 'Lamarne'*  
Rose, Livin' Easy *Rosa 'Livin' Easy'*  
Rose, Marie Pavie *Rosa 'Marie Pavie'*  
Rose, Martha Gonzales *Rosa 'Martha Gonzales'*  
Rose, Mutabilis *Rosa 'Mutabilis'*  
Rose, Nearly Wild *Rosa 'Nearly Wild'*  
Rose, Old Blush *Rosa 'Old Blush'*  
Rose, Perle d'or *Rosa 'Perle d'or'*  
Rock Rose *Pavonia lasiopetala*  
Rosemary *Rosmarinus officinalis*  
Sage, Mountain *Salvia reglia*  
Sage, Texas (Cenizo) *Leucophyllum frutescens*  
Senna, Lindheimer *Cassia lindheimeriana*  
Southern Wax Myrtle *Myrica cerifera*  
Sumac, Evergreen *Rhus virens*  
Sumac, Fragrant (Aromatic) *Rhus aromatica*  
Texas Sotol *Dasyliirion texanum*  
Turk's Cap *Malvaviscus arboreus*  
Yucca, Paleleaf *Yucca pallida*  
Yucca, Red *Hesperaloe parviflora*  
Yucca, softleaf *Yucca recurvifolia*  
Yucca, Twistleaf *Yucca rupicola*

## Perennials

Black-eyed Susan *Rudbeckia hirta*  
 Bulbine *B. frutescens or caulescens*  
 Bush Morning Glory *Ipomoea fistulosa*  
 Butterfly Weed *Asclepias tuberosa*  
 Butterfly Weed 'Mexican' *Asclepias curassivica*  
 Cast Iron Plant *Aspidistra elatior*  
 Chile Pequin *Capsicum annuum*  
 Cigar Plant *Cuphea micropetala*  
 Columbine, Red *Aquilegia canadensis*  
 Columbine, Yellow *Aquilegia chrysantha 'Texas Gold'*  
 Coreopsis *Coreopsis lanceolata*  
 Daisy, Blackfoot *Melampodium leucanthum*  
 Daisy, Copper Canyon *Tagetes lemmonii*  
 Damiantia *Crysactina mexicana*  
 Fall Aster *Aster oblongifolius*  
 Fern, River *Thelypteris kunthii*  
 Firebush *Hamelia patens*  
 Gaura *Gaura lindeheimeri*  
 Gayfeather *Liatris mucronata*  
 Gregg Dalea *Dalea greggii*  
 Hibiscus, Perennial *Hibiscus moscheutos, Hibiscus coccineus*  
 Honeysuckle, Mexican *Justicia spicigera*  
 Hymenoxys (Four Nerve Daisy) *Tetraneuris scaposa*  
 Indigo Spires *Salvia 'Indigo Spires'*  
 Iris, Bearded *Iris albicans*  
 Iris, Butterfly/Bicolor (African) *Dietes sp.*  
 Lamb's Ear *Stachys byzantina*  
 Lantana *Lantana x hybrida (many varieties)*  
 Lantana, Trailing *Lantana montevidensis*  
 Marigold, Mexican Mint *Tagetes lucida*  
 Obedient Plant, Fall *Physostegia virginiana*  
 Oregano, Mexican *Poliomintha longiflora*  
 Penstemon *Penstemon sp.*  
 Phlox, Fragrant *Phlox pilosa*  
 Pink Skullcap *Scutellaria suffrutescens*  
 Plumbago *Plumbago auriculata*  
 Poinciana, Red Bird of Paradise, Pride of Barbados *Caesalpinia pulcherrima*  
 Primrose, Missouri *Oenothera macrocarpa*  
 Purple Coneflower *Echinacea purpurea*  
 Ruellia *Ruellia brittoniana*  
 Sage, Cedar *Salvia roemeriana*  
 Sage, Jerusalem *Phlomis fruticosa*  
 Sage, Majestic *Salvia guaranitica*  
 Sage, Mealy Blue *Salvia farinacea*  
 Sage, Mexican Bush *Salvia leucantha*  
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*  
 Sage, Russian *Perovskia atricplifolia*  
 Sage, Scarlet or 'Tropical' *Salvia coccinea*  
 Salvia, Gregg (Cherry Sage) *Salvia greggii*  
 Shrimp Plant *Justicia brandegeana*  
 Texas Betony *Stachys coccinea*  
 Verbena, Prairie *Verbena bipinnatifida*  
 Yarrow *Achillea millefolium*  
 Zexmenia *Wedelia texana*

## Ornamental Grasses

Bluestem, Big *Andropogon gerardii*  
Bluestem, Bushy *Andropogon glomeratus*  
Bluestem, Little *Schizachyrium scoparium*  
Fountain Grass, Dwarf *Pennisetum alopecuroides*  
Indian Grass *Sorghastrum nutans*  
Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*  
Muhly, Bamboo *Muhlenbergia dumosa*  
Muhly, Big *Muhlenbergia lindheimeri*  
Muhly, Deer *Muhlenbergia rigens*  
Muhly, Gulf *Muhlenbergia capillaris*  
Muhly, Seep *Muhlenbergia reverchonii*  
Sideoats Grama *Bouteloua curtipendula*  
Wild Rye *Elymus canadensis*

## Vines

Asian Jasmine *Trachelospermum asiaticum*  
Carolina Jessamine *Gelsemium sempervirens*  
Coral Vine *Antigonon leptopus*  
Crossvine *Bignonia capreolata*  
Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*  
Lady Banksia Rose *Rosa banksiae*  
Passion Vine *Passiflora incarnata*  
Trumpet Vine *Campsis radicans*  
Virginia Creeper *Parthenocissus quinquefolia*

## Groundcover

Aztec Grass *Ophiopogon japonicus*  
Frogfruit *Phyla incisa*  
Horseherb *Calyptocarpus vialis*  
Leadwort *Plumbago Ceratostigma plumbaginoides*  
Liriope *Liriope muscari*  
Monkey Grass (Mondo Grass) *Ophiopogon japonicus*  
Oregano *Origanum vulgare*  
Periwinkle, Littleleaf *Vinca minor*  
Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*  
Santolina (Lavender Cotton) *Santolina chamaecyparissus*  
Sedge, Berkeley *Carex tumulicola*  
Sedge, Meadow *Carex perdentata*  
Sedge, Texas *Carex texensis*  
Sedum (Stonedrop) *Sedum nuttallianum*  
Silver Ponyfoot *Dichondra argentea*  
Wooly Stemodia *Stemodia lanata*  
(*Stemodia tomentosa*)

## Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'  
Buffalo '609', 'Stampede', 'Prairie'  
St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'  
Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

## EXHIBIT B

### Invasive Species/Problem Plants

#### PLANTS TO AVOID

##### INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

##### **Do Not Plant**

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

##### **Do Not Plant Near**

##### **Parks/Preserves/Greenbelts**

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

##### PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2006 Jul 28 08:30 AM 2006143643

FERGUSONLL \$52.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS